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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,131	02/11/2004	Harri Lilja	KOLS.089PA	5471

7590 05/31/2006

Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER

CONNOLLY, MARK A

ART UNIT PAPER NUMBER

2115

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,131

Applicant(s)

LILJA ET AL.

Examiner

Mark Connolly

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 17-22, 24-29 and 32-40 is/are rejected.
- 7) ☒ Claim(s) 10, 15, 16, 23, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-40 have been presented for examination.

Specification / Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

- a. Claim 3 recites the limitation "the value" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- b. Claim 8 recites the limitation "the preset threshold value" in line 4. There is insufficient antecedent basis for this limitation in the claim.
- c. Claim 8 recites the limitation "the predetermined time window" in line 4. There is insufficient antecedent basis for this limitation in the claim.
- d. Claim 12 recites the limitation "the predetermined movement type" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2115

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 11-14, 17-22, 24-29, 32-35 and 40 are rejected under 35 U.S.C. 102(b) as

being anticipated by Yee et al¹ [Yee] US Pat No 6037748.

6. Referring to claim 1, Yee teaches the method for selecting an operation mode

comprising:

e. determining a movement of the device by measuring one or more movement components [col. 2 line 64- col. 3 line 1].

f. keeping the operation mode of one or more subunits of the device as the active mode as long as the movement of the device is unknown [abstract, col. 3 lines 25-30 and col. 4 lines 20-23]. In particular, Yee teaches the system being in an active mode until it is determined that the system is immobile.

g. changing the operation mode of at least one subunit of the device from the active mode to the sleep mode when the movement is identified [col. 4 lines 20-23].

h. keeping the operation mode of one or more subunits of the device as the sleep mode as long as the movement of the device is known [col. 2 lines 26-32 and col. 4 lines 20-23].

i. changing the operation mode of at least one subunit of the device from the sleep mode to the active mode when the movement changes to unknown [col. 3 lines 25-30].

7. Referring to claim 2, Yee teaches the movement being known when the system is motionless [col. 4 lines 20-23].

¹ As cited by applicant

Art Unit: 2115

8. Referring to claim 3, Yee teaches changing the operation mode to a sleep mode if the system is motionless for given period of time [col. 4 lines 20-23].
9. Referring to claim 4, Yee teaches the transition and maintaining the system in an active mode is due to the when the system moves [abstract, col. 3 lines 25-30 and col. 4 lines 20-23].
10. Referring to claim 5, Yee teaches determining movement by comparing against a threshold adjust voltage [col. 3 line 56-col. 4 line 19].
11. Referring to claim 6, Yee teaches movement detection being based on either movement detected in a +/- x,y or z-direction or based on acceleration [col. 5 lines 15-30 and col. 6 lines 3-20].
12. Referring to claim 7, Yee teaches identifying idleness if movement is limited to within a predetermined time window [col. 3 lines 25-38].
13. Referring to claims 8 and 9, Yee teaches detecting movements within the system and filtering out those movements if they are confined within a time window [col. 3 lines 25-38 and col. 3 line 66-col. 4 line 12].
14. Referring to claim 11, Yee teaches movement detectors which monitor movement during active and sleep modes [col. 6 lines 3-34].
15. Referring to claim 12, Yee teaches that the predetermined movement type refers to the system being motionless [col. 4 lines 20-23]. If the device is not motionless, then the system has determined that the movement is “unknown” which is defined in applicants specification [page 4 lines 5-7] as “establish[ing] that the movement of the device has changed ... to moving” [col. 6 lines 21-34].

16. Referring to claim 13, Yee teaches detecting movement based on acceleration [col. 5 lines 15-30].
17. Referring to claim 14, Yee teaches using a set move movement sensors [fig. 4].
18. Referring to claim 17-22 and 24-29, 32, these are rejected on the same basis as set forth hereinabove. Yee teaches the method and therefore teaches the device performing the method.
19. Referring to claim 33, Yee teaches detecting movement in a sleep mode and acceleration in an active mode [col. 3 lines 25-39].
20. Referring to claim 34, Yee teaches that the movement sensing system controls power to an electronic system [abstract]. The electronic system is interpreted as the second subunit.
21. Referring to claim 35, Yee teaches an acceleration measurement system notifying a controller about movement of the system which can transfer the system from a sleep mode to an active mode [col. 3 lines 25-39, 52-55 and col. 5 lines 15-30].
22. Referring to claim 40, Yee teaches the power control means above being applied to devices comprising transceivers [col. 2 lines 55-63]. Consumer devices with transceivers are interpreted as comprising mobile phones.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
24. Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee as applied to claims 1-9, 11-14, 17-22, 24-29, 32-35 and 40 above.

25. Referring to claims 36 and 37, applicant(s) numerous control means is construed to be an admission that the criticality does not reside in the control means utilized and hence obvious variations of one another. Yee teaches controlling the operation mode of the main system via control switch 40 or controlling the acceleration measurement system via processor 160 [col. 3 lines 25-39, 52-55 and col. 4 lines 13-19].

26. Referring to claims 38 and 39, applicant(s) numerous locations of the movement estimation means is construed to be an admission that the criticality does not reside in the location of the movement estimation means and hence obvious variations of one another. Yee teaches movement sensors which detect movement and acceleration [col. 3 lines 25-39 and col. 5 lines 15-30].

Allowable Subject Matter

27. Claims 10, 15-16, 23 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2115

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly
Examiner
Art Unit 2115

mc
May 23, 2006



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100